

Message Text

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SUBJECT: CABINET CRISIS: NEXT STEPS

1. WE HAVE DISCUSSED WITH KNESSET MEMBERS, THE SECRETARY GENERAL OF THE KNESSET, AND THE NATIONAL INSPECTOR FOR ELECTIONS THE LEGAL AND CONSTITUTIONAL STEPS WHICH MUST BE TAKEN IN CONNECTION WITH EARLY ELECTIONS. THE FOLLOWING IS A SUMMARY OF THEIR VIEWS OF THE PRESENT SITUATION.

2. BY LAW WHEN A PRIME MINISTER RESIGNS, HIS ENTIRE GOVERNMENT IS CONSIDERED TO HAVE RESIGNED. THAT GOVERNMENT AUTOMATICALLY FUNCTIONS AS A CARETAKER GOVERNMENT UNTIL A NEW GOVERNMENT IS FORMED.

3. UNDER ISRAELI LAW ONLY THE KNESSET CAN DISSOLVE ITSELF AND SET A DATE FOR A NATIONAL ELECTION IN ADVANCE OF THAT WHICH WOULD OTHERWISE TAKE PLACE. THEREFORE, THE KNESSET, WITH A SPECIFIC ACT OF LEGISLATION, WILL DISSOLVE ITS CURRENT SESSION AND SET THE DATE FOR THE NEXT ELECTION. THE PRIME MINISTER CANNOT HIMSELF ESTABLISH THE DATE, ALTHOUGH HE
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MAY SUBMIT A BILL FOR THE KNESSET'S CONSIDERATION IN WHICH HE SUGGESTS A DATE; IT IS ANTICIPATED THAT RABIN WILL FOLLOW THAT ACTION IN THIS CASE. THE BILL MUST GO THROUGH THE REGULAR THREE READINGS IN THE KNESSET FOR ADOPTION. THESE THREE READINGS CAN BE COMPRESSED INTO A 24 HOUR PERIOD IF A MAJORITY OF THE MEMBERS AGREE TO DO SO.

4. WHILE ALL MK'S AND OBSERVERS TO WHOM WE HAVE SPOKEN ARE AGREED THAT THE ELECTION WILL BE AFTER PASSOVER (APRIL 9) AND PROBABLY SOMETIME IN MAY, THERE ARE SEVERAL FACTORS WHICH WILL DETERMINE THE PRECISE DATE. FIRST, THERE IS THE ADMINISTRATIVE ASPECT. THE MINISTRY OF THE INTERIOR, WHICH IS THE OFFICIAL AGENCY WHICH ADMINISTERS THE ELECTIONS, HAS ESTABLISHED THAT IT NEEDS APPROXIMATELY 60 DAYS TO PREPARE FOR NATIONAL ELECTIONS. THE DIRECTOR OF ELECTIONS HAS TOLD US THAT HIS OFFICE HAS CURRENT VOTER REGISTRATION LISTS WHICH WERE PREPARED IN AUGUST AND ARE VALID UNTIL AUGUST 1977; IF NEW LISTS ARE REQUIRED (FOR EXAMPLE, TO PERMIT VOTING BY PERSONS WHO HAVE TURNED 18 SINCE AUGUST), HIS OFFICE ESTIMATES 150 DAYS WOULD BE NEEDED TO PREPARE FOR ELECTIONS. SECOND, THERE IS THE LEGAL ASPECT. THE PERTINENT PROVISIONS OF THE LAW REQUIRE THAT A PERIOD OF 43 DAYS ELAPSE BETWEEN THE ENACTMENT BY THE KNESSET OF ITS LEGISLATION AND THE ELECTION. HOWEVER, ANOTHER LAW REQUIRES THAT GOVERNMENT OFFICIALS MUST RESIGN AT LEAST 100 DAYS IN ADVANCE OF AN ELECTION IF THEY WISH TO BE CANDIDATES FOR KNESSET SEATS. IN ITS BILL OF DISSOLUTION, THE KNESSET COULD AMEND THIS LATTER LAW AND PROVIDE FOR A SHORTER PERIOD FOR THIS SPECIFIC ELECTION IF IT WISHED TO DO SO. THIRD, THERE IS THE CONSTITUTIONAL ASPECT. A CARETAKER GOVERNMENT MUST BE IN OPERATION TO ADMINISTER THE GOVERNMENT DURING THE INTERIM PERIOD.

5. WHEN THE PRIME MINISTER SUBMITS HIS GOVERNMENT'S RESIGNATION, AS RABIN HAS NOW DONE, THE PRESIDENT MUST CONSULT WITH THE HEADS OF THE VARIOUS POLITICAL PARTIES

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IN ORDER TO DETERMINE WHETHER A CONSENSUS EXISTS THAT A POLITICAL LEADER WOULD HAVE THE SUPPORT OF THE MAJORITY OF KNESSET MEMBERS FOR A NEW GOVERNMENT. IF THE PRESIDENT DETERMINES THAT SUCH A CONSENSUS EXISTS, HE ASKS THAT INDIVIDUAL TO FORM A GOVERNMENT. IF THE PRESIDENT DETERMINES THAT SUCH A CONSENSUS DOES NOT EXIST, HE MAY LEAVE THE CARETAKER GOVERNMENT IN PLACE. UNDER THE LAW, THE PRESIDENT HAS 21 DAYS TO CARRY OUT HIS CONSULTATIONS (ALTHOUGH THAT PERIOD CAN BE EXTENDED FOR AN ADDITIONAL 21 DAYS, AS WAS THE CASE WITH MRS. MEIR IN 1974).

6. WITH THE ENACTMENT OF ITS LAW OF DISSOLUTION, THE KNESSET CONTINUES TO FUNCTION AS A LEGISLATIVE BODY UNTIL A NEW KNESSET IS CONSTITUTED. HOWEVER, A LEGISLATIVE ACT WILL BE REQUIRED TO LIFT THE CONSTITUTIONAL REQUIREMENT THAT THE KNESSET MEET REGULARLY THREE TIMES EACH WEEK OVER A PERIOD OF EIGHT MONTHS, IN ORDER THAT MEMBERS CAN DEVOTE THE NECESSARY TIME TO CAMPAIGNING.

KNESSET COMMITTEES WILL FUNCTION UNDER THEIR RECESS PROVISIONS. NEXT YEAR'S BUDGET, WHICH HAS NOT YET BEEN ADOPTED, IS A POTENTIAL PROBLEM; THE KNESSET SECRETARY GENERAL SAID HE BELIEVED A TEMPORARY MAJORITY WOULD APPROVE AN INTERIM BUDGET.
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